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21567	7590	10/06/2006	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			SCHNEIDER, CRAIG M	
			ART UNIT	PAPER NUMBER
			3753	
DATE MAILED: 10/06/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16, 24-38 and 46-59 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 24-38, 46-53, and 57-59 is/are rejected.
- 7) ☒ Claim(s) 54-56 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 8/1/2006. These drawings are entered.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, both of the RF Readers (line 7 and line 8 of claim 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1,2, 15, 24, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by DeLattre et al. (5,797,417).

DeLattre et al. disclose a system (and associated method) comprising a valve (col. 3, lines 60-67), a plurality of RFID sensor assemblies coupled to the valve to monitor a plurality of parameters associated with the valve (col. 5, lines 32-36), a control tag (20) configured to wirelessly communicate with the respective RFID sensor assemblies that are coupled to the valve, the control tag being further configured to communicate with an RF reader (col. 7, lines 4-33), and an RF reader configured to selectively communicate with the control tag, the reader including an RF receiver (col. 4, lines 44-49; col. 5, lines 64-67 and col. 7, lines 34-36).

Regarding claim 2, DeLattre et al. further disclose that the valve is a fluid operated valve (col. 6, lines 31-41).

Regarding claim 15, DeLattre et al. further disclose wherein the RFID sensor assemblies are used to determine valve position (col. 5, lines 18-21).

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 3-7 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald (5,197,328) in view of DeLattre et al. as best understood by the examiner.

DeLattre et al. disclose all the features of the claimed invention except that the valve includes a valve positioner, an electrical conductor, and an I/P transducer coupled to the valve positioner by the electrical conductor, and wherein at least one of the plurality of RFID sensor assemblies is coupled to the electrical conductor. Fitzgerald discloses a valve positioner (44), an electrical conductor (54), and an I/P transducer (42) coupled to the valve positioner by the electrical conductor, and wherein at least one of the plurality of RFID sensor assemblies (72) is coupled to the electrical conductor (col. 5, line 65 to col. 6., line 8 and lines 54-61).

Regarding claims 4 and 26, Fitzgerald further discloses a system that includes a pneumatic actuator (12), a valve stem (16) coupled to the pneumatic actuator, and an actuator-valve stem coupler (20), and wherein at least one of the plurality of RFID sensor assemblies (61) is coupled to the actuator-valve stem coupler (col. 6, lines 20-27 and 62-67).

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Regarding claims 5 and 27, Fitzgerald further discloses a system that includes a pneumatic actuator, a valve positioner, and a fluid conduit (56 and 46) in fluid communication between the pneumatic actuator and the valve positioner, and wherein at least one of the plurality of RFID sensor assemblies (74) is coupled to the fluid conduit between the pneumatic actuator and the valve positioner.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the RF sensor assembly of DeLattre et al. onto the valve system of Fitzgerald, in order to have remote control of the system without the need for hardwiring.

Regarding claims 6-7 and 28-29, Fitzgerald and DeLattre et al. disclose a system that includes a pneumatic actuator, a valve positioner, a booster (58)(col. 6, lines 16-20), a first fluid conduit (46) in fluid communication between the pneumatic actuator and the booster, a second fluid conduit (56) in fluid communication between the booster and the valve positioner, and wherein at least one of the plurality of RFID sensor assemblies (74) is coupled to the second fluid conduit. Fitzgerald and DeLattre et al. further disclose a fluid supply line (48) in fluid communication with the booster. Fitzgerald and DeLattre et al. do not disclose at least one of the plurality of fluid sensor assemblies coupled to the first fluid conduit and fluid supply line.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to place additional sensor in the fluid conduits of the system of Fitzgerald and DeLattre et al., in order to better monitor the system.

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8. Claims 8 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald and DeLattre et al. as applied to claims 7 and 29 above, and further in view of Barker (3,462,115).

Fitzgerald and DeLattre et al. disclose all the features of the claimed invention except that the system further comprises a regulator valve in fluid communication between the fluid supply line and the valve positioner, a conduit between the regulator valve and the valve positioner, and wherein at least one of the plurality of RFID sensor assemblies is coupled to the conduit between the regulator valve and the valve positioner. Barker discloses a regulator valve (2) in fluid communication between the fluid supply line (1) and the valve positioner (B), a conduit between the regulator valve and the valve positioner, and wherein at least one of the plurality of RFID sensor assemblies is coupled to the conduit between the regulator valve and the valve positioner.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the regulator valve of Barker onto the system of Fitzgerald and DeLattre et al., in order to ensure the proper pressure of the air entering the system.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize an additional sensor in between the regulator valve and the positioner of the system of Fitzgerald-DeLattre et al.-Barker, in order to make sure the regulator valve was functioning properly.

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9. Claims 9 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balazy et al. (6,152,162) in view of DeLattre et al.

Balazy et al. disclose a system comprising a conduit (22) upstream of the valve and a conduit (24) downstream of the valve, wherein at least one of the plurality of sensor assemblies (14) is coupled to the conduit upstream of the valve and at least one of the plurality of sensor assemblies (16) is coupled to the conduit downstream of the valve (col. 2, line 66 to col. 3, line 8). Balazy et al. does not disclose that the sensor assemblies are RFID and the restrictions as recited in claim 1. DeLattre et al. disclose the features of claim 1 as discussed above.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the RFID system of DeLattre et al. onto the valve system of Balazy et al., in order to have a remote station that is not hardwired to the valve system.

10. Claims 10 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon (4,882,937) in view of DeLattre et al..

Leon discloses a valve (10) wherein the valve includes a seat and wherein the sensor assemblies (38 and 72) are used to determine valve seating force (col. 8, lines 52-61). Leon does not disclose the RFID sensor discussed in claim 1 that are rejected via DeLattre et al. above.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the RFID system of DeLattre et al. onto the valve



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assembly of Leon, in order to have a remote station that is not hardwired to the valve system.

11. Claims 11 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLattre et al. in view of Bell et al. (2004/0159515).

DeLattre et al disclose all the features of the claimed invention except that the system includes a sensor assembly that is used to determine a spring preload of the spring. Bell et al. disclose a system that includes a spring (22) and a sensor (24) that is used to determine a spring preload of the spring (page 1 onto page 2, paragraph 18).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the spring preload sensor of Bell et al. onto the RFID system of DeLattre et al., in order to communicate changes in the coil spring preload to a controller.

12. Claims 12 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLattre et al. in view of Ohno et al. (2002/0080041).

DeLattre et al disclose all the features of the claimed invention except that the system includes a sensor assembly that is used to determine a spring constant of the spring. Bell et al. disclose a system that includes a spring and a sensor that is used to determine a spring preload of the spring (page 2, paragraph 29).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the sensors Of Ohno et al. with the device of DeLattre et al. to calculate the spring constant of the spring of DeLattre et al..

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13. Claims 13 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLattre et al. in view of Fong et al. (2002/0026827).

DeLattre et al disclose all the features of the claimed invention except that the system includes a sensor assembly that is used to determine spring compression. Fong et al. disclose a system that includes a spring and a sensor (78 and 80) that is used to determine a spring compression of the spring (page 3, paragraph 31).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the sensors of Fong et al. with the RFID system of DeLattre et al., in order to calculate the spring compression.

14. Claims 14 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLattre et al. in view of Shirk et al. (6,199,629).

DeLattre et al disclose all the features of the claimed invention except that the system includes a sensor assembly that is used to determine a friction load on the valve. Shirk et al. disclose a system that includes a sensor (32) that is used to determine a friction load on the valve (col. 4, lines 65-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the sensors of Shirk et al. with the RFID system of DeLattre et al., in order to determine the friction load on the valve.

15. Claims 16 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLattre et al. in view of Badami (5,905,648).

DeLattre et al disclose all the features of the claimed invention except that the system includes a sensor assembly that is used to determine valve stroke times.

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Badami discloses a system that includes a sensor (35) that is used to determine valve stroke times (col. 10, lines 19-22).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the sensors of Badami with the RFID system of DeLattre et al., in order to determine valve stroke times.

16. Claims 46-50 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLattre et al. in view of Fitzgerald and in further view of Kenney et al. (6,445,969).

DeLattre et al. disclose a system (and associated method) comprising a valve (col. 3, lines 60-67), a plurality of RFID sensor assemblies coupled to the valve to monitor a plurality of parameters associated with the valve (col. 5, lines 32-36), respective RFID sensor assemblies including a microprocessor and nonvolatile memory and being configured to store a unique identification number in the nonvolatile memory, a control tag configured to wirelessly communicate with the respective RFID sensor assemblies that are coupled to the valve, the control tag being further configured to communicate with an RF reader, and an RF reader configured to selectively communicate with the control tag, the reader including an RF receiver (col. 4, lines 44-49; col. 5, lines 64-67 and col. 7, lines 34-36). DeLattre et al. fails to disclose that the valve is a pneumatic valve including a pneumatic actuator, a valve stem coupled to the pneumatic actuator, and an actuator-valve stem coupler, where at least one of the plurality of RFID sensor assemblies is coupled to the actuator-valve stem coupler, and the RF reader defining a web server. Fitzgerald discloses a system that includes a pneumatic actuator (12), a valve stem (16) coupled to the pneumatic actuator, and an

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actuator-valve stem coupler (20), and wherein at least one of the plurality of RFID sensor assemblies (61) is coupled to the actuator-valve stem coupler (col. 6, lines 20-27 and 62-67). Kenney et al. disclose that the system can be controlled via a remote source which utilizes the internet (col. 2, lines 12-29)

Regarding claim 47, Fitzgerald further discloses a valve positioner (44), an electrical conductor (54), and an I/P transducer (42) coupled to the valve positioner by the electrical conductor, and wherein at least one of the plurality of RFID sensor assemblies (72) is coupled to the electrical conductor (col. 5, line 65 to col. 6., line 8 and lines 54-61).

Regarding claims 48, Fitzgerald further discloses a system that includes a pneumatic actuator, a valve positioner, and a fluid conduit (56 and 46) in fluid communication between the pneumatic actuator and the valve positioner, and wherein at least one of the plurality of RFID sensor assemblies (74) is coupled to the fluid conduit between the pneumatic actuator and the valve positioner.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the RF sensor assembly of DeLattre et al. onto the valve system of Fitzgerald, in order to have remote control of the system without the need for hardwiring.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the internet as disclosed by Kenney et al. onto the system of DeLattre et al. and Fitzgerald, in order to have someone monitoring the system while physically not there.

Regarding claims 49 and 50, Fitzgerald and DeLattre et al. disclose a system that includes a pneumatic actuator, a valve positioner, a booster (58)(col. 6, lines 16-20), a first fluid conduit (46) in fluid communication between the pneumatic actuator and the booster, a second fluid conduit (56) in fluid communication between the booster and the valve positioner, and wherein at least one of the plurality of RFID sensor assemblies (74) is coupled to the second fluid conduit. Fitzgerald and DeLattre et al. further disclose a fluid supply line (48) in fluid communication with the booster. Fitzgerald and DeLattre et al. do not disclose at least one of the plurality of fluid sensor assemblies coupled to the first fluid conduit and fluid supply line.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to place additional sensor in the fluid conduits of the system of Fitzgerald and DeLattre et al., in order to better monitor the system.

17. Claim 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald, DeLattre et al., and Kenney et al. as applied to claim 50 above, and further in view of Barker (3,462,115).

Fitzgerald and DeLattre et al. disclose all the features of the claimed invention except that the system further comprises a regulator valve in fluid communication between the fluid supply line and the valve positioner, a conduit between the regulator valve and the valve positioner, and wherein at least one of the plurality of RFID sensor assemblies is coupled to the conduit between the regulator valve and the valve positioner. Barker discloses a regulator valve (2) in fluid communication between the fluid supply line (1) and the valve positioner (B), a conduit between the regulator valve

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and the valve positioner, and wherein at least one of the plurality of RFID sensor assemblies is coupled to the conduit between the regulator valve and the valve positioner.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the regulator valve of Barker onto the system of Fitzgerald, DeLattre et al., and Kenney et al.; in order to ensure the proper pressure of the air entering the system.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize an additional sensor in between the regulator valve and the positioner of the system of Fitzgerald-DeLattre et al.-Kenney et al.-Barker, in order to make sure the regulator valve was functioning properly.

18. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leon (4,882,937) in view of DeLattre et al./Fitzgerald/Kenney et al..

Leon discloses a valve (10) wherein the valve includes a seat and wherein the sensor assemblies (38 and 72) are used to determine valve seating force (col. 8, lines 52-61). Leon does not disclose the RFID sensor discussed in claim 52 that are rejected via DeLattre et al./Fitzgerald/Kenney et al. above.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the RFID system of DeLattre et al./Fitzgerald/Kenney et al. onto the valve assembly of Leon, in order to have a remote station that is not hardwired to the valve system.

19. Claims 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLattre et al./Fitzgerald/Kenney et al. in view of Shirk et al. (6,199,629).

DeLattre et al./Fitzgerald/Kenney et al. disclose all the features of the claimed invention except that the system includes a sensor assembly that is used to determine a friction load on the valve. DeLattre et al. further disclose wherein the RFID sensor assemblies are used to determine valve position (col. 5, lines 18-21). Shirk et al. disclose a system that includes a sensor (32) that is used to determine a friction load on the valve (col. 4, lines 65-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the sensors of Shirk et al. with the RFID system of DeLattre et al./Fitzgerald/Kenney et al., in order to determine the friction load on the valve.

20. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLattre et al./Fitzgerald/Kenney et al./Shirk et al. in view of Badami (5,905,648).

DeLattre et al./Fitzgerald/Kenney et al./Shirk et al. disclose all the features of the claimed invention except that the system includes a sensor assembly that is used to determine valve stroke times. Badami discloses a system that includes a sensor (35) that is used to determine valve stroke times (col. 10, lines 19-22).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the sensors of Badami with the RFID system of DeLattre et al./Fitzgerald/Kenney et al./Shirk et al., in order to determine valve stroke times.

***Allowable Subject Matter***

21. Claims 54-56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

22. Applicant's arguments filed 8/1/2006 have been fully considered but they are not persuasive. The Applicant believes that DeLattre et al. fails to anticipate the claimed invention. The examiner respectfully disagrees. DeLattre et al. disclose all the features of the claimed invention. Arguably, DeLattre et al. discloses the claimed invention clearer than Applicant's disclosure. The invention of DeLattre et al. communicates with multiple sensors and each of the sensors correspondingly instructs the microprocessor of the conditions associated with the valve and the surrounding area. The control tag is the programming console, which communicates with the valve and communicates with the reader via radio frequency as pointed out in the above cited sections of the prior art. The applicant further discloses that the control tag is not necessary for the proper function of the sensor assemblies (page 8, para. 27). The applicant is further arguing that the system of DeLattre et al. does not utilize radio frequency. The examiner disagrees. DeLattre et al. discloses radio frequency as an option (col. 7, lines 34-39). The sensor assemblies must have an associated ID for each assembly otherwise the RF reader/receiver would not know which valve assembly to control when the sensor sends the information.



***Conclusion***

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMS *cms*  
September 20, 2006



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